

MUNICIPAL DISTRICT OF ROCKY VIEW NO. 44 BYLAW C-6476-2007

A Bylaw of the Municipal District of Rocky View No. 44 to amend Bylaw C-4841-97.

WHEREAS the Council deems it desirable to amend the said Bylaw; and,

WHEREAS the Council of the Municipal District of Rocky View No. 44 has received an application to amend Part 5; Land Use Maps No. 65 and 65-1 of Bylaw C-4841-97 to redesignate Lot 3, Block 3, Plan 0513002 within the SE-13-26-1-W5M from Direct Control District to Direct Control District, as shown on the attached Schedule "A" ("the Lands"); and,

WHEREAS a notice was published on Tuesday, May 15, 2007 and Tuesday, May 22, 2007 in the Rocky View Weekly, a newspaper circulating in the Municipal District of Rocky View No. 44, advising of the Public Hearing for Tuesday, June 26, 2007; and

WHEREAS Council held a Public Hearing and have given consideration to the representations made to it in accordance with section 692 of the Municipal Government Act, being Chapter M-26 of the Revised Statutes of Alberta 2000, and all amendments thereto.

NOW THEREFORE the Council enacts the following:

1. That Direct Control Bylaw C-6043-2005 (DC-101) be repealed;
2. That Part 5, Land Use Maps No. 65 and 65-1 of Bylaw C-4841-97 be amended by redesignating Lot 3, Block 3, Plan 0513002 within the SE-13-26-1-W5M, from Direct Control District to Direct Control District amended, as shown on Schedule "A" ("the Lands") attached to and forming part of this Bylaw, in accordance with special regulations;
3. That all of Lot 3, Block 3, Plan 0513002 within the SE-13-26-1-W5M are hereby redesignated to Direct Control District, as shown on Schedule 'A' attached to and forming part of this Bylaw; and
4. That the regulations of this Direct Control District comprise:
 - 1.0.0 General Regulations
 - 2.0.0 Land Use Regulations
 - 3.0.0 Development Regulations
 - 4.0.0 Definitions
 - 5.0.0 Implementation.

1.0.0 GENERAL REGULATIONS

- 1.1.0 No subdivision will be permitted within the subject lands until such time as regional servicing (piped sewer and water) are available
- 1.2.0 For the purposes of this Bylaw, the boundaries and description of the Lands shall be more or less as indicated in Schedule "A" attached hereto and forming part hereof.

- 1.3.0 The Operative and Interpretative Clauses (Part One), General Administration (Part Two) and General Regulations (Part Three) as contained in the Land Use Bylaw C-4841-97 are applicable, unless otherwise stated in this Bylaw.
- 1.4.0 The Development Authority shall consider and decide on applications for Development Permits for all uses listed by this Bylaw provided the provisions of Sections 2 and 3 herein are completed in form and substance, satisfactory to the Municipality.
- 1.5.0 The Development Authority shall be responsible for the issuance of Development Permit(s) for the Lands subject to this Bylaw.
- 1.6.0 At the time of subdivision or development of the Lands, the Municipality may require the Owner to enter into an agreement pursuant to Section 62 of the Municipal Government Act respecting the future acquisition of a strip of land 25 meters wide as shown in Schedule C for the development of a future road within the Hamlet, subject to confirmation that existing easements will not be negatively affected.
- 1.7.0 Proposals for uses and subdivision beyond that provided by this Bylaw shall require an amendment to this bylaw to be permitted.

2.0.0 LAND USE REGULATIONS

2.1.0 Purpose and Intent

The purpose and intent of this District is to provide for the expansion of land uses within the Hamlet of Balzac, integrating existing development with new land uses while ensuring high quality, attractive and aesthetically pleasing development fronting Queen Elizabeth II Highway. This District has also been designed to ensure that opportunities for access to future Hamlet oriented development on the balance of the parent parcel can be realized.

2.2.0 All Development Cells:

Uses:

2.2.1 Parking

2.2.2 Landscaping

2.2.3 Fencing

2.2.4 Signs

2.3.0 Development Cell A:

Uses

2.3.1 Development existing as of the date of passage of this Bylaw

2.3.2 Recreational Vehicle Sales and Show Room, Parts and Service Areas and Administrative Offices and Areas, all located within the existing principle buildings on the site.

2.3.3 Outdoor Recreational Vehicle Display Area

2.3.4 Outdoor Recreational Vehicle Inventory Area

2.3.5 Outdoor Recreational Vehicle Service and Dealer Preparation Area

2.3.6 Personal Service Business

- 2.3.7 Post Offices
- 2.3.8 Retail Store
- 2.3.9 Animal and Health Care Services
- 2.3.10 Automotive, Equipment & Vehicles Services
- 2.3.11 Child Care Facilities
- 2.3.12 Liquor Sales
- 2.3.13 Warehouse Stores
- 2.3.14 Offices
- 2.3.15 Accessory Buildings
- Uses available with Regional Servicing**
- 2.3.16 Churches
- 2.3.17 Grocery Stores
- 2.3.18 Health Care Services
- 2.3.19 Restaurants
- 2.3.20 Amusement and Entertainment Services
- 2.3.21 Drinking Establishment
- 2.3.22 Outdoor Café
- 2.3.23 Greenhouses
- 2.3.24 Special Care Facilities
- 2.4.0 Development Cell B:
 - Uses**
 - 2.4.1 Outdoor Recreation Vehicle Storage Area
 - 2.4.2 Automotive, Equipment and Vehicle Services
 - 2.4.3 Auctioneering Services
 - 2.4.4 Animal Health Care Services
 - 2.4.5 General Industry Type I
 - 2.4.6 Liquor Sales
 - 2.4.7 Warehouse Stores
 - 2.4.8 Offices
 - 2.4.9 Accessory Buildings
 - Uses Available with Regional Servicing**
 - 2.4.10 Grocery Store
 - 2.4.11 Health Care Services
 - 2.4.12 Medical Treatment Services
 - 2.4.13 Drinking Establishments

- 2.4.14 Restaurants
- 2.5.0 Minimum & Maximum Requirements
 - 2.5.1 Minimum Parcel size – 1,858 sq. m (20,000 sq. ft) (only with regional servicing)
 - 2.5.2 Maximum Building height (for new buildings):
 - i) 12 m (39.4 feet) for principal buildings;
 - ii) 5 m (16.4 feet) for accessory buildings.
 - 2.5.3 Maximum Number of Principle Buildings – 2
 - 2.5.4 Maximum Area of Principle Buildings – not to exceed a combined area of 10,668 sq. m. (35,000 sq. ft.)
 - 2.5.5 Maximum Number of Accessory Buildings – 3
 - 2.5.6 Maximum Area of Accessory Buildings – not to exceed a combined area of 464.5 sq. m. (5,000 sq. ft.)
 - 2.5.7 Minimum Front Yard – 6 m. (19.6 ft.) from the westerly boundary of the Service Road Right of Way.
 - 2.5.8 Minimum Side Yard – 6 m. (19.6 ft.)
 - 2.5.9 Minimum Rear Yard – 31 m. (101.7 ft.) - For those parcels adjacent to the CPR Right of Way (Should Section 1.6.0 be no longer applicable, Section 2.5.10 shall apply)
 - 2.5.10 Minimum Rear Yard – 6 m (19.6 ft.) – For all other parcels
 - 2.5.11 Number of freestanding signs: 1
 - 2.5.12 Maximum Display Area – 1.21 hectares (3 acres) **(Cell A)**
 - 2.5.13 Maximum Vehicle Inventory Area (as part of the Total Development Area) – 3.64 hectares (9 acres) **(Cell A)**
 - 2.5.14 Minimum separation of vehicles within the Outdoor Recreational Vehicle Display Area – 3.05 metres (10 feet). **(Cell A)**
 - 2.5.15 Maximum number of stored Recreational Vehicles: 200 **(Cell B)**

3.0.0 DEVELOPMENT REGULATIONS

- 3.1.0 No Development Permit for any use or *development* or *building* permit for any *building* shall be issued by the Development Authority and no *development* shall occur on the lands until:
 - 3.1.1 The Owner has completed a Traffic Impact Analysis for the entire development, and it has been approved by both the M.D. of Rocky View and Alberta Infrastructure and Transportation and further, that all road improvements identified in the Traffic Impact Analysis be constructed and completed by the Owner to the satisfaction of the Municipality and Alberta Infrastructure and Transportation.
 - 3.1.2 The Owner has received all necessary permits and/or approvals from Alberta Infrastructure and Transportation, in accordance with the Public Highways Development Act and the Highway Development Control Regulation.
 - 3.1.3 The Owner has prepared a Stormwater Management Plan, addressing with both on-site and off-site stormwater, completed by a qualified professional engineer licensed to practice in the Province of Alberta, that is satisfactory to the

Municipality, and which shows that the development will not negatively affect adjacent lands.

- 3.1.4 An Emergency Response Plan has been prepared by the Owner and submitted to the satisfaction of the Fire Chief, and which Plan establishes, among other things, measures for chemical containment and remediation, storage of fuels and chemicals, soil contamination and fire suppression;
 - 3.1.5 The Owner has prepared and submitted an overall Site Development Plan, which includes an illustration of the vehicular and pedestrian movement corridors, parking and loading facilities and all other facilities that are to be located on the site, to the satisfaction of the Development Authority;
 - 3.1.6 The Owner has submitted a Construction Management Plan completed by a qualified professional engineer licensed to practice in the Province of Alberta, satisfactory to the Municipality, which details amongst other items, erosion, dust and noise control measures and stormwater management during construction.
 - 3.1.7 Each property may have more than one Principal Unit/Principal Building per parcel.
 - 3.1.8 All other requirements of this Bylaw have been satisfied to the satisfaction of the Development Authority.
- 3.2.0 Water Supply and Sewage Treatment
- 3.2.1 Potable water for all development on the site shall be provided by a piped source, licensed and approved for commercial use by Alberta Environment, or hauled to the site and stored in cisterns, all as approved by the Municipality and to the satisfaction of the Municipality.
 - 3.2.2 Disposal of wastewater shall be subject to all requirements of Alberta Environment and/or Alberta Municipal Affairs and all Municipal approvals pursuant to this Bylaw to the satisfaction of the Municipality.
 - 3.2.3 Chemically treated waste from Recreational Vehicles shall be collected via an approved dump station, shall then be placed in holding tanks and removed on a regular basis for disposal and treatment at an approved disposal facility to the satisfaction of the Municipality.
 - 3.2.4 A caveat regarding a Deferred Services Agreement is registered on the Lands, notifying the Owner or any future owners and all lessees of the requirement to connect to Municipally owned piped water and wastewater systems at their own cost when such services become available. This Agreement is to outline the location of existing services within the Lands, the operation and maintenance of these services, the requirements for their decommissioning once Municipal Servicing becomes available, all to the satisfaction of the Municipality.
- 3.3.0 Development and Building Standards
- 3.3.1 Landscaping
 - a) Landscaping shall be provided in accordance with a Landscape Plan to be submitted to the Municipality upon application for a Development Permit. The Landscape Plan shall identify the location, type and extent of all hard and soft landscaping proposed for the lands, and shall require that a minimum of 15% of the lands within the Development Area shall be landscaped.

- b) The Landscape Plan shall include methods to enhance the visual appeal of the development along the Queen Elizabeth II Highway corridor.
- c) Lands outside the Development Area for the Recreational Vehicle Sales and Service facility, which are not already developed, shall be seeded to grass. Excepting the gravelled area within the northeast portion of the subject lands.
- d) Within the landscaped area, there shall be a minimum of one (1) tree for every 50 square m (538.2 square feet); a combination of deciduous trees with a minimum calliper of 6.35 cm (2.5 inches); and, coniferous trees with a minimum height of 1.5 metres (5 feet). Trees shall comprise at least 50% of the tree/shrub mixture used as described in the Landscape Plan.
- e) The Landscape Plan contemplated herein shall identify the location and extent of the landscaping areas, the plant material proposed and the methods of irrigation and maintenance of landscaped areas.
- f) All plant materials shall be of a species capable of healthy growth in the Municipality and shall conform to the standards of the Canadian Nursery Trades Association for nursery stock.
- g) The quality and extent of landscaping established on site shall be the minimum standard to be maintained for the life of the development. Adequate means of irrigating any soft landscaping and maintaining both hard and soft landscaping shall be detailed in the Landscape Plan.
- h) Landscaping treatment within the Plan Area means the modification and enhancement of the surface area of a site through the use of any or all of the following elements:
 - Soft landscaping consisting of vegetation such as berms, trees, shrubs, hedges, grass and ground cover; and,
 - Hard landscaping consisting of non-vegetative materials such as brick, stone, concrete, tile and wood, excluding monolithic concrete and asphalt.
- i) All areas of the site shall be subject to a weed control program prepared by the Owner in accordance with the Weed Control Act of Alberta, and confirmed in a Development Permit to the satisfaction of the Municipality.
- j) The Vehicle Display Area is to be designed with a park-like character where landscaping features are integrated and there is significant spacing between vehicles.
- k) The Recreation Vehicles Storage Area is to be designed to complement and integrate into the existing onsite development.

3.3.2 Controlled Appearance

- a) The design, character and appearance of any buildings, structures or signs proposed to be erected or located on the lands must be acceptable to the Development Authority having due regard to:
 - the compatibility with and the affect on adjacent properties and the surrounding rural area; and,
 - the visual enhancement of Queen Elizabeth II Highway as an important transportation corridor.

- b) All buildings adjacent to Queen Elizabeth II Highway should be oriented to face the Highway.
- c) Parking facilities, for domestic vehicles, shall be provided for in accordance with the requirements of the Land Use Bylaw, except that parking shall be screened and/or integrated into building architecture and/or landscaped pursuant to 3.3.1 above. Parking shall not be permitted within any setback area.
- d) All parking and/or loading zones for these buildings shall be located at either the rear or the side of the proposed buildings; screened from Queen Elizabeth II Highway
- e) Signage shall be considered concurrently with a Development Permit application and may be integrated into building architecture and shall be consistent with the overall development theme.
- f) Lighting shall be located, oriented and shielded to prevent adverse affects on adjacent properties and the safe and efficient function of the QE II Highway.
- g) There shall be no flashing or animated signs.
- h) Any Recreational Vehicle Inventory Areas shall at all times be screened to soften the visual impact from the QE II Highway, as well as the adjacent lands to the satisfaction of the Municipality.

3.3.3 Performance Standards

- a) Air Contaminants, Visible and Particulate Emissions – No use within any building or structure on the lands shall cause or create air contaminants, visible emissions or particulate emissions beyond the building which contains them.
- b) Odorous Matter - No use or operation within a building shall cause or create the emission of odorous matter or vapour beyond the building which contains the use or operation.
- c) Toxic Matter - No use or operation on the lands or within a building shall cause or create the emission of toxic matter beyond the lands or the building which contains it. The handling, storage and disposal of any toxic or hazardous materials or waste shall be in accordance with the regulations of any government authority having jurisdiction.
- d) Garbage Storage - Garbage and waste material shall be stored in weatherproof and animal-proof containers. Such containers shall be located within buildings or adjacent to the side or rear of buildings, and shall be screened from view by all adjacent properties and roadways, all to the satisfaction of the Development Authority.
- e) Fire and Explosive Hazards - Uses and operations on the site which handle, store or utilize products which may be hazardous due to their corrosive, poisonous, flammable, or explosive characteristics shall comply with the applicable fire regulations of the Municipality or the regulations of any other government authority having jurisdiction and in accordance with any hazardous materials or emergency management plan that may be require by the Municipality, and as defined in a Development Permit.
- f) Fire Protection - Fire protection measures shall be provided as may be required by the Municipality and included in a Development Permit.

4.0.0 DEFINITIONS

Unless otherwise defined in this Bylaw, all words and uses shall be defined as per Section 8 (Definitions) of Bylaw C-4841-97.

Development Area - means the entire area utilized for the Recreational Vehicle Sales and Service facility.

Outdoor Recreational Vehicle Display Area - means that area identified on the overall Site Development Plan utilized for the showing of Recreational Vehicles

Outdoor Recreational Vehicle Inventory Area - means the area identified on the Overall Site Development Plan in which a higher density of Recreational Vehicles may be kept.

Outdoor Recreational Vehicles Storage Area – means an area of land set aside for the outdoor storage of recreational vehicles.

5.0.0 IMPLEMENTATION

5.1.0 The bylaw comes into effect upon the date of its third reading.

DIVISION 7

File: 6513001 – 2006-RV-708

First reading passed in open Council, assembled in the City of Calgary, in the Province of Alberta, on Tuesday, May 8, 2007, on a motion by Councillor McLean.

Second reading passed in open Council, assembled in the City of Calgary, in the Province of Alberta, on Tuesday, June 26, 2007, on a motion by Councillor Habberfield.

Third reading passed in open Council, assembled in the City of Calgary, in the Province of Alberta, on Tuesday, June 26, 2007 on a motion by Councillor Branson.

REEVE OR DEPUTY REEVE

MUNICIPAL SECRETARY

SCHEDULE "A"

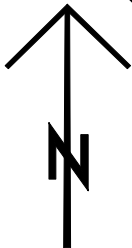
BYLAW: C-6476-2007



AMENDMENT

FROM Direct Control District 101 TO Direct Control District

Subject Land 



LEGAL DESCRIPTION: Lot 3, Block 3, Plan 051 3022
Within SE ¼ 13-26-1-W5M

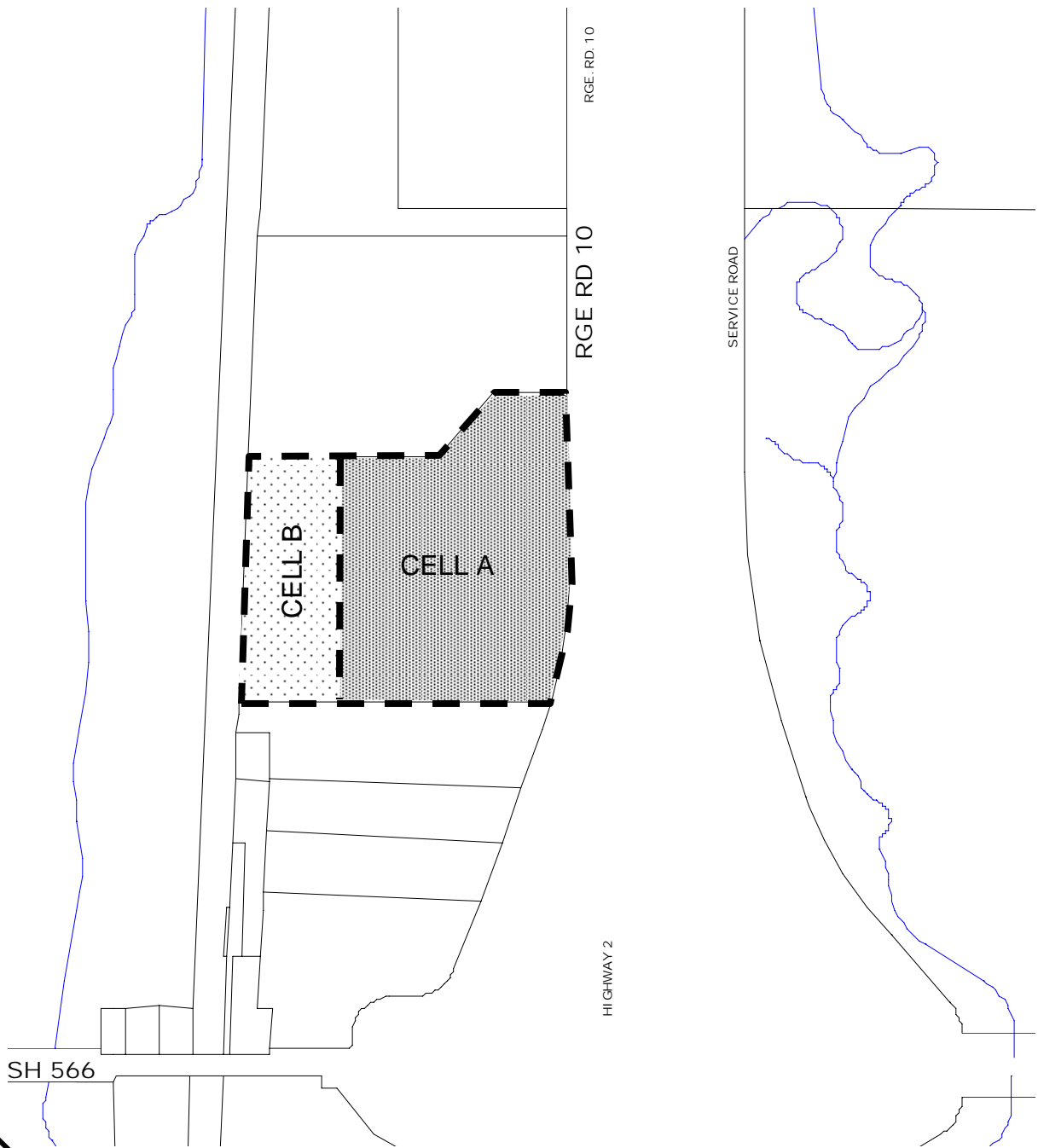
FILE: 06513001 – 2006-RV-708

DIVISION: 7

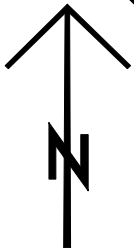


SCHEDULE "B"

BYLAW: C-6476-2007



Subject Land - - - - -



LEGAL DESCRIPTION: Lot 3, Block 3, Plan 051 3022
Within SE ¼ 13-26-1-W5M

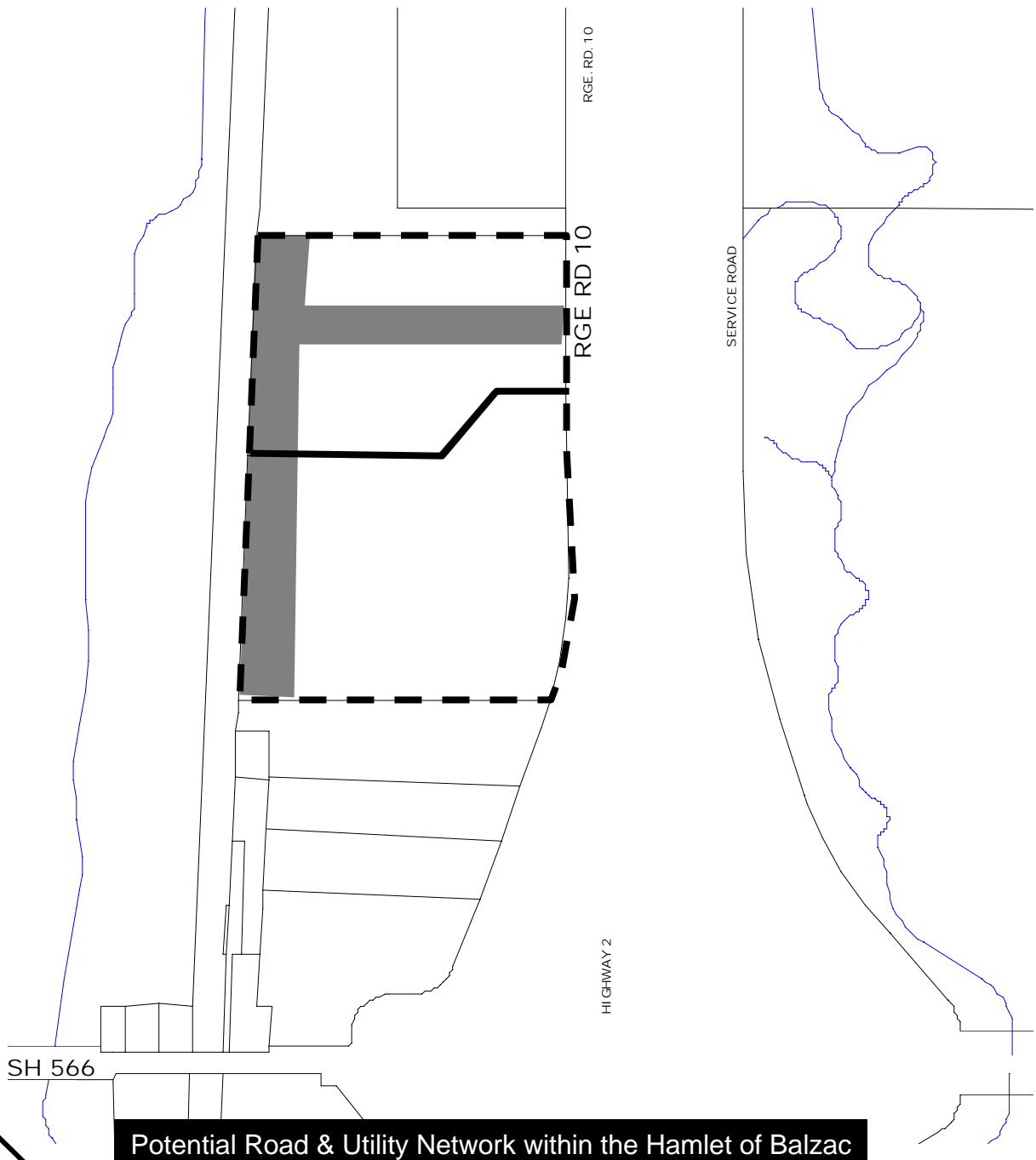
FILE: 06513001-2006-RV-708

DIVISION: 7



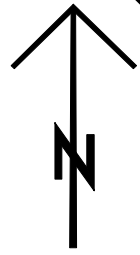
SCHEDULE "C"

BYLAW: C-6476-2007



Potential Road & Utility Network within the Hamlet of Balzac

Subject Land - - - - -



LEGAL DESCRIPTION: Lot 3, Block 3, Plan 051 3022
Within SE ¼ 13-26-1-W5M

FILE: 06513001 – 2006-RV-708

DIVISION: 7

